

# SENATE JOURNAL.

## FIRST DAY.

Senate Chamber, }  
Austin, April 16, 1888. }

The Senate met in special session pursuant to a call of Governor Ross, at 12 o'clock, m.

Lieutenant Governor Wheeler in the chair.

The roll was called, and the following members answered to their names:

District 1—W. L. Douglass.  
District 2—C. S. Garrison.  
District 4—W. T. Armistead.  
District 6—J. L. Camp.  
District 7—A. W. Gregg.  
District 8—W. W. Davis.  
District 10—Jno. M. Claiborne.  
District 11—John Woods.  
District 12—H. Knittle.  
District 13—J. Lane.  
District 14.—Scott Field.  
District 15—E. J. Simkins.  
District 16—J. O. Terrell.  
District 17—William Allen.  
• District 18—E. G. Douglass.  
• District 19—Temple Houston.  
District 20—J. J. Jarvis.  
District 21—S. C. Upshaw.  
District 22—W. S. Baker.  
District 23—C. K. Bell.  
District 24—George W. Glasscock.  
District 25—W. H. Burges.  
District 26—W. H. Woodward.  
District 27—T. E. Macmanus.  
District 28—R. H. Burney.  
District 30—L. N. Frank.  
District 31—H. D. McDonald.

Prayer was offered by Rev. Dr. Smoot, Chaplain of the Senate.

The Governor's proclamation was read, as follows:

## PROCLAMATION

BY THE GOVERNOR OF THE STATE  
OF TEXAS.

To all to whom these presents shall come: Whereas, There is now in the State Treasury a larger amount of money than is required for the economical administration of the Government; and the near completion of the State Capitol building requires that it should be inspected by representatives of the people with a view to its acceptance or rejection, and if accepted the proper provisions made for its occupancy; and there is an imperative public necessity for the amendment of the tax laws, so that if found practicable the burden of taxation may be lightened from the people; and as the State is indebted for services of school teachers of the public schools, to an extent which greatly impairs their usefulness, and which requires such amendment of the school law as may most conduce to the effectiveness of our system of public education; and Congress has now before it an act looking to the permanent settlement of the disputed claim of our State to Greer County, which, if it becomes a law, will necessitate prompt legislative action; and these several matters are of such grave importance and general interest as to create an emergency necessitating the convening of the Twentieth Legislature in special session;

Now, therefore, I, L. S. Ross, Governor of Texas, do hereby issue this my proclamation convening the Twentieth Legislature to meet in their respective halls, in the City of Austin, on Monday the 16th day of April, A.

D. 1888, in special session, and do hereby designate the following as subjects of legislation, to wit:

1. To provide for the proper distribution of the surplus moneys now in the treasury, by necessary appropriations.

2. To inspect and make such provision for furnishing and preserving the new capitol as may be deemed proper, for putting the capitol grounds in condition, and to determine what disposition shall be made of other State property at the seat of government.

3. To make such changes in the laws relating to taxation and revenue as may seem most consonant with the interests of the people, with the view of a more uniform and just assessment and certain collection; and a consideration of the advisability of reducing the present tax rate.

4. To make such alteration in the present law regarding the public education of the youth of our State as may be found necessary, and appropriations to pay any indebtedness that may have accrued by reason thereof; to make appropriations for our various charitable institutions requisite to their more extended usefulness and betterment; and for a geological survey of the State, if demanded by general public interest.

5. To make such changes in subdivision 24 of article 566, Revised Statutes, as amended by act of March 23, A. D. 1887, as may be deemed wise and expedient to meet the increased demands of the agricultural interest of the State.

6. To make such provision as may be necessary for co-operation with the United States government in the settlement of the boundary of that portion of the State embracing Greer county.

Done at the Executive Office, in the City of Austin, this the 31st day of March, A. D. 1888, and in the year of our independence the fifty third.

L. S. ROSS,  
Governor of Texas.

By the Governor:

J. M. MOORE,  
Secretary of State.

LIEUT. GOV. WHEELER

President of the Senate, then delivered the following address:

Gentlemen of the Senate:

It is with great pleasure that I meet

you under such auspicious circumstances.

In almost every instance extra sessions of the legislature are caused by deficiency in appropriations, financial depression, or a great public calamity. I am gratified that I am able to state that no such cause has brought about this extra session.

You, and the people you represent, are to be congratulated on the financial condition of this great commonwealth.

While other states are perplexed by financial embarrassments and the people being oppressed by onerous taxes, our state, with a very low rate of taxation, has money enough in her treasury to pay every just claim against her, and leave a large surplus to be retained in the treasury to pay current expenses, or to be disbursed by such appropriations as justice, wisdom and patriotism may indicate.

While your work is prescribed by the proclamation of the executive, it is almost impossible to exaggerate its importance, and to perform it properly will take much careful thought and arduous labor. But your past conduct as legislators is an earnest to the people that your work will be faithfully, honestly and patriotically performed.

Some persons have intimated that much money will be squandered at this extra session. Such persons have certainly forgotten that it was the wise and efficient legislation of the Twentieth legislature, at its regular session, to which we are greatly indebted, for the state's healthy financial condition. The past conduct of this legislature should satisfy all parties that, while it will be sure to pay all debts which are just and due, it will not squander the people's money by paying unjust claims, or in making extravagant or unnecessary appropriations.

All can rest assured that every member fully realizes that he is the agent of the people, having control of this money as a trust fund, and that not one cent of it will be used except to pay honest debts, sustain the institutions of the state, and only for such other purposes as will add to the state's greatness and prosperity. I believe that the love of Texas, and a desire to serve her and her people faithfully will be the paramount purpose, which will control every member in all of your deliberations—and there

need be no apprehension about the results of your legislation.

From past association with you, I have a certainty that my wishes will be realized when I say I hope that you may have a pleasant and harmonious session.

In conclusion, permit me to ask, that you aid me in this, as you did at the regular session. I can assure you that my highest ambition in filling this position is to make an efficient, impartial presiding officer. Without your aid I fear that I can not perform the duties as may be demanded. With your assistance, I hope to do my duty to each senator and aid your body in the proper despatch of its business.

#### SENATOR TERRELL

Offered the following resolution:

Whereas, since the adjournment of the regular session of the Twentieth Senate, R. H. Harrison, senator from the Twenty-second District, has resigned, and W. S. Baker has been elected in his stead, therefore, be it

Resolved, That said W. S. Baker be invited to approach the president's stand and take the oath of office.

Adopted.

#### SENATOR W. S. BAKER

Came forward and was administered the oath of office.

On motion of Senator Gregg.

Senator Abercrombie was excused on account of sickness indefinitely.

On motion of Senator Woods,

Senator Calhoun was excused till Wednesday.

On motion of Senator Terrell,

Senator Pope was excused till Wednesday.

The following was laid before the Senate and read:

AUSTIN, April 16, 1888.

Hon. T. B. Wheeler, Lieutenant Governor and President of the Senate:

Dear Sir—As I have, since the adjournment of the regular session of this Legislature, been appointed to the position of Assistant Superintendent of the Penitentiary, and placed in charge of the State prison at Rusk, Texas, by his Excellency Governor L. S. Ross, and have accepted the same, I hereby tender my resignation of the position of Secretary of the Senate of the Twentieth Legislature, and in doing so, wish to

return my thanks to yourself and all the Senators for the uniform kindness and courtesy extended to myself, by you all, since I have occupied said position.

Respectfully,

WM. NEAL RAMEY,  
Secretary of the Senate.

On motion of Senator Terrell,  
The resignation was accepted.

#### SENATOR WOODS

Offered the following resolution:

Resolved, that the Senate of the special session of the Twentieth legislature now proceed to elect a secretary.

Adopted

SENATORS MACMANUS, CAMP AND ALLEN

Were appointed tellers, and

Nominations for secretary were declared to be in order.

#### SENATOR BELL

Nominated C. M. Boynton, the assistant secretary, for the position of secretary.

A ballot being taken and Mr. Boynton having received twenty-five votes, being every vote cast, he was declared duly and constitutionally elected Secretary of the Senate, and came forward and was administered the oath of office.

The following was laid before the Senate and read:

Senate Chamber, }  
Austin, April 16, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—I hereby resign the position of First Assistant Secretary of the Senate, having been elected as its Secretary.

C. M. BOYNTON.

On motion of Senator Claiborne  
The resignation was accepted.

#### SENATOR BURNEY

Offered the following resolution:

Resolved, that the Senate now proceed to the election of an Assistant Secretary.

Adopted.

Nominations for Assistant Secretary were then declared to be in order.

## SENATOR GLASSCOCK

Nominated W. M. Hunter.

## SENATOR HOUSTON

Nominated O. C. Fisher.

## SENATOR GARRISON

Nominated W. E. Donley.

## SENATOR WOODS

Nominated J. D. Roberdeau.

A ballot was taken and resulted as follows:

## FIRST BALLOT.

W. M. Hunter receive 6 votes.  
O. C. Fisher received 1 vote.  
W. E. Donley received 11 votes.  
J. D. Roberdeau received 6 votes.  
E. M. Bacon received 2 votes.  
No one having received a majority of the votes cast a second ballot was ordered

## SENATOR M'DONALD

Placed the name of E. M. Bacon in nomination.

## SECOND BALLOT.

W. E. Donley received 11 votes.  
J. D. Roberdeau received 6 votes.  
E. M. Bacon received 4 votes.  
W. M. Hunter received 3 votes.  
O. C. Fisher received 2 votes.  
No one having received a majority of the votes cast, a third ballot was ordered.

## SENATOR GLASSCOCK

Withdrew the name of W. M. Hunter.

## THIRD BALLOT.

W. E. Donley received 14 votes.  
J. D. Roberdeau received 7 votes.  
E. M. Bacon received 4 votes.  
O. C. Fisher received 1 vote.

W. E. Donley having received a majority of all the votes cast, was declared duly elected first assistant secretary of the Senate and came forward and was administered the oath of office.

## SENATOR WOODS

offered the following resolution :

Resolved, That the President of the Senate do now appoint a committee of three to inform the governor that the Senate of the special session of the Twentieth Legislature is organized and ready to receive any communication that he may see proper to submit.

Adopted.

## SENATORS WOODS, WOODWARD AND

## BURGES

Were appointed on said committee.

## SENATOR BURNEY

Offered the following resolution:

Resolved, that the President do now appoint a committee of three to inform the House of Representatives that the Senate of the Twentieth Legislature, in special session assembled, is organized and ready to proceed to business.

Adopted.

## SENATORS FIELD, SIMKINS AND

## LANE

were appointed on said committee.

## SENATOR MACMANUS

offered the following privileged resolution:

Whereas, On the fourth day of April, 1887, being the last day of the regular session of the Legislature, certain members of the House of Representatives thereof, assuming to speak for and in behalf of that body as well as for and in behalf of a minority of the Senate, prepared an address to his excellency the governor, setting forth their disapproval of the non-action of the body in failing to respond to an alleged demand of constituents to have other people's business conducted, by force of law, strictly in accordance with the views, interests, and wishes of their neighbors;

And

Whereas, However unwarranted by law or usages, and unprecedented in the history of parliamentary proceedings, it may be for members of one branch of a legislative body to sit in judgment upon the acts of a co-ordi-

nate branch, deriving its authority from the same constitution, and a like free election of the people, to whom alone they are accountable, a decent regard for the opinions of even that small number of our constituents, who are liable to be misled or deceived by the reckless assertions and unfounded and illogical statements of such self-constituted tribunal, demands, on the part of this body, an examination of the alleged grounds of complaint set forth in that address; therefore,

Resolved, That a special committee of five members of the Senate be appointed to examine into and report upon the statements and comments of the address to His Excellency, the Governor, dated April 4, 1887, signed by several members of the House of Representatives of this Legislature, and purporting to have been made in the name of that body and of a minority of this; and what, if any, action is necessary on the part of the Senate to maintain its rights and privileges as constitutional representatives of the people of the State of Texas.

On motion of Senator Armistead,

The resolution was referred to the committee on asylums.

#### SENATOR BELL

Offered the following resolution:

Be it resolved, by the Senate of the State of Texas, the House of Representatives concurring, that a special committee of five senators and a like number of representatives be appointed to carefully examine the new State Capitol building, to ascertain so far as is practicable whether the same has been, and is being, constructed according to contract;

And

Be it further resolved, that said committee be authorized to send for persons and papers, and to put under oath any witness they may deem it proper to examine.

On motion of Senator Lane,

The resolution was adopted.

Senators Bell, McDonald, Davis, Burges and Burney were appointed on the committee.

The committee appointed to notify the governor that the Senate was organized and ready for business reported that duty performed.

The following message was received from the governor, read and ordered printed in the Journal.

Gentlemen of the Senate and House of Representatives:

In convening you upon this extraordinary occasion, I welcome you to the Capital with a cordial greeting befitting those who, for the time being, are charged with the law-making power of a commonwealth, that in a few short years has struggled up from a wilderness to a high plane of unchallenged supremacy in financial standing, as the only State in the Union, while imposing only a nominal State tax, has found it necessary, because of its vast resources, to convolve its law-makers to deal with a Treasury filled to repletion.

And, as you are called upon to consider other subjects of the most fundamental character and of the deepest significance, I desire to respectfully impress upon your minds my solemn convictions that the conclusions to be reached are of vast importance in guiding the destiny of the State, and that our material interests for years are inseparably bound up with the legislation now to follow. If ever there was a time in the history of our State when careful deliberation, sound business sense, and freedom from passions or local jealousies ought to prevail that time is now.

Trusting that by harmonious, intelligent and patriotic efforts in the discharge of these important and arduous duties, your labors may eventuate for the public good, and believing that a favorable solution of many of the attendant difficulties is attainable, and if reached by you the people of your state will not withhold their applause or lasting gratitude.

I have the honor to invite your attention to the fact that there can be no question brought before you as the representatives of the people, of more consequence, or of deeper concern, than that relating to finance and the monetary affairs of the State.

It is a proposition that affects every individual, and reaches to the very foundation of society. Taxation, therefore, is one of the most important powers to be exercised by any government, and there is scarcely anything about which the citizen becomes so restive, and it should be most zealously guarded by a free people, as well as by the framers and executors of the law.

It is conceded, too, as a cardinal principle that no more revenue ought to be collected from the people than the amount necessary to defray the ex-

penses of a wise, economical and efficient administration, because an unnecessary surplus in the treasury not only impoverishes the people and palsies the hand that must be depended upon to utilize and develop our material resources, but it gives birth to extravagant legislation; produces wild schemes of wanton and profuse expenditures and begets ingenious expedients to obtain public money, which too frequently corrupts the purity of the public officials and causes the character of the government to lose its charm with the masses.

On the other hand while no man can be more heartily in favor of a wise economy in expenditures than myself, and any effort in that direction will always have my earnest co operation and approval.

I feel it my duty to urge upon your honorable bodies, that while directing your attention to the enforcement of the most rigid economy, you should not be unmindful of the fact that the several departments of the government can only do their best with the means at their disposal, and cannot anticipate an appropriation save to a limited extent defined in the constitution, without violating the law, no matter what the exigencies may be.

As every prudent business man knows that the principle of paying as you go is more in consonance with a wise economy than to promise payment at a future time, it becomes imperative beyond the possibility of a mistake, that you should not hesitate, or refuse on the affairs of the government, successfully to place the necessary means at their command with which to carry on the affairs of the government successfully without having to come to subsequent legislatures with deficiencies.

Great as this question of taxation is, and vital as it must be to the future destinies of our State, yet after all it is not the present State tax of twenty-five cents upon the one hundred dollars of property that is proving so onerous to taxpayers. And in looking to retrenchment you should bear in mind that it is not the rock which stands out boldly, giving warning to the mariner of danger, against which the ship is wrecked.

So, in government it is not that which the people see and understand which undermines the prosperity of the state and depletes the treasury, but the secret leak; the insidious and

unseen advance of extravagance hidden away in the complications of your state, county and municipal governments, so as not to be visible to the public eye.

And the law makers should not exhaust their spasm of reform at each recurring session by going into the several State departments and cutting down the salaries of a few clerks, and while squabbling over the amount of the reduction spending in per diem and other contingent expenses attending their work far more than the sum saved amounts to. The people want a government as economical as an efficient good government can be made, but they do not desire that efficiency in any sense shall be sacrificed to a mistaken idea of economy, which saves a dime on one hand and squanders hundreds of dollars on the other.

The wise reform measures enacted by you at the regular session, which were designed to stimulate revenue officers to increased diligence in the collection and prompt remission of the public moneys, and which at first seemed onerous to collectors and others affected by them; giving rise to some remonstrance and complaint, were nevertheless fraught with the most satisfactory results marking an era of radical financial reform—a partial measure of which is attested by the plethoric condition of your State Treasury.

Had you done nothing else worthy of commendation, this would eminently entitle you to the gratitude of the people.

I may also add my congratulations that there is no longer a complaint that the public money is lodged and held in banks before reaching its final destination.

And the highly satisfactory financial condition set forth in the comprehensive and exhaustive report of the Comptroller of Public Accounts exhibits the proof, not alone of what has been accomplished thus far by the efficiency of collectors making the closest collections ever recorded, and the prosecution of delinquents by the Attorney General's department, conducted with a vigor and fearlessness to be commended, but suggests the possibilities awaiting us in a fuller development and perfection of these reform measures.

And I suggest for your consideration, as a meritorious and proper subject of legislation, the better enforcement of the constitutional requirement that

taxes shall be assessed by uniform and just rules, so that the public burden shall rest with equal weight upon all men with respect to the valuation of property for the purposes of taxation. The constitution clearly demands that property shall be taxed at its true value; yet it is a notorious fact that so far as real estate is concerned, this provision of law is almost universally disregarded, and the low and varying valuation brings a high and unequal rate of taxes, to the detriment of the small property holder whose possessions are generally assessed nearer their true value for the purpose of sale or exchange.

In this connection, your special attention is called to the report of the Comptroller, where mention is made of the large amount of money in banks escaping taxation, and, it may be added, in loans held by agents, in some instances for corporations and individuals residing outside of the State.

And since your adjournment it has come to my knowledge that large stocks of merchandise have been brought into the State after the 1st of January, and in a few months the firms broke, and the goods were absorbed by creditors, and no taxes could be collected.

For the correction of these evils, I respectfully renew the suggestions of my former message. These vast interests pay nothing to the support of our government, and yet they go into our courts and enforce their claims at the expense of honest taxpayers, who are taxed unduly to supply the machinery of government for their behoof and benefit, and, in some instances, men thus evading the law have their children educated at the public schools, for the maintenance of which the poor man's small home and hard earnings are taxed.

While we should gladly welcome the investment of capital to aid our citizens and further our industries, those who avail themselves of the facilities of our laws should be forced to comply with their requirements.

When my honorable predecessor, who had administered the affairs of our state government for four years with such fidelity to its interests and marked and lasting credit to himself, retired from the cares of office, and I was inducted into the executive chair, there was a revenue balance in the treasury of \$479,704.32, but against that there was a deficiency to be pro-

vided for amounting to \$295,775.52, which reduced this surplus to \$183,928.80, and the financial outlook was anything but cheering when I realized that the following demands upon the treasury would have to be speedily met.

First, \$148,000 for the current monthly operating expenses of the government, due in fifteen days; \$102,794 for the necessary expenses of the legislature, and \$100,000 which you wisely determined to appropriate for the immediate relief of our unfortunate fellow citizens of the drouth district.

To this extraordinary appropriation was added \$18,000.00 for a special election to test the sense of the people on the adoption or rejection of the constitutional amendments to be submitted; \$50,000.00 for the establishment of a deaf and dumb asylum for the colored people, and \$50,000.00 for a reformatory. And the embarrassment to my mind was greatly increased by your honorable bodies, enacting a law to suspend the forced collection of taxes, which would have practically reduced revenue receipts to a minimum for at least four or six months.

In view of this condition of our finances, while honoring the purity of your motives and deeply sympathizing with the people in their monetary stringency, I felt impelled by a sense of duty to interpose my veto, believing it obvious that the intended relief would ultimately prove a disappointment to taxpayers by doubling their obligations at a time when, possibly, their ability for payment would not be increased by the delay, and in the meantime a temporary deficiency injurious to the financial standing of the state would be inevitable. If therefore, it has so happened that the present administration, without an increase in the pre-existing rate of taxation has been enabled largely through the efficiency of your wise legislation to meet these current and extraordinary expenditures, and at this time leave an unexpended cash balance in the treasury to the credit of the revenue account of \$1,500,000.00, exclusive of the net indemnity claim recently received from the general government, amounting to \$922,541.52, making a grand total of \$2,422,541.52, it would seem to justify the claim that we have not only been reasonably economical in handling the public funds, but the interests of the state

have been watched with care and fidelity.

And the question of all questions that the people are asking to-day is, what disposition shall be made by you of this unnecessary surplus? In consideration of the numerous requests and recommendations looking to the expenditure of this public money, under very liberal and latitudinarian interpretations designed to convert the legislature into a clearing house for the indirect accomplishment of what the constitution forbids in a direct manner, by its appropriation for local or private enterprises. I trust you may receive the inspiration of a comprehensive wisdom and prudence exalted above selfishness, so that the greatest good may be realized to the largest number, and that you will be governed by a sense of justice, rather than generosity, in the disposition of this money belonging to the tax payers of the State. It had better be left in the treasury than be squandered.

It is essential before legislating upon this subject, that there should be a careful collation of facts. And in order that you may be fully advised of the financial condition of the State, I refer you to the report of the Comptroller, which is replete with valuable information.

With no purpose or desire to direct a matter about which you have the exclusive right of action, and of which you can best judge as the immediate representatives of your respective constituencies, yet may I venture to suggest that my own view about the proper disposition of the cash surplus in the treasury is, first, to see that the people from whom it was derived in the shape of taxes shall become the direct beneficiaries of a liberal share of it. And this brings up for consideration a very serious and delicate question. If we were simply required to determine from the estimated taxable values of the State what rate of taxation should be maintained to produce a revenue sufficient to meet the ascertained operating expenses, based upon necessary current expenditures and outstanding appropriations, the proposition would be of easy solution, but there are other material factors to be taken into account.

Our State is in a formative condition. Its property values are fluctuating and subject to serious disasters.

And, in addition to this, the receipts derived from taxation are not uniform during the year. The great

bulk of it reaches the Treasury in December and January, and full one-half of the year's expenditures exceed the receipts. So that to prevent a temporary embarrassment, and to enable the Treasury to meet the lawful demands upon it, you must provide a sufficient margin to tide the government over these months. This is the dictate of business prudence, and the best statesmanship is but the most thorough common sense in the ordinary affairs of life, enlarged and applied to the business of the State.

Besides, as the county and municipal levies for ad valorem taxes are controlled by the rate of the State levy, and it is to be presumed that they only levy such amount as will be actually necessary to conduct the affairs of their county, city or town, it follows that a reduction in the State tax would tend to their serious embarrassment. Now, by reference to the Comptroller's statement, in answer to my inquiry on that subject, it will be observed that his estimate of a safe margin to meet this contingency is \$300,000.00, and his estimate of receipts from 1887 taxes for the current year, as against appropriations now in force, show an excess in receipts over disbursements, exclusive of the balance on hand at the beginning of the fiscal year of only \$298,699.59.

To this we might possibly add the sum of whatever collections might be made from back taxes. But financial estimates must be based upon the solid data of ascertained facts.

The imagination is a poor financier, and wholly without thrift or reliability. As this certain amount of money is indispensable to the existence of the government, the pertinent inquiry arises, how then shall we extend relief to the tax payers without a reduction of the present tax rate to such an extent as would afford any appreciable benefit, and without, at the same time depleting the receipts below the requisite margin absolutely necessary to enable the treasury at all times to meet the just demands upon it.

To this end I respectfully offer the following suggestions for your consideration:

Leave the rate of taxation as it now is, and as the total ad valorem taxes amount to \$1,626,103.24, you might set apart one third of this amount in the treasury from the cash surplus, and direct, by enactment, the remission of that proportion of the ad valorem tax



of each taxpayer when collections are made, commencing with September next. By this means a distribution of this or such other proportion of the surplus as you deem just and wise, can be made to the whole people, who are best entitled to your favorable consideration in a disposal of this money, and by leaving this sum in the treasury to the credit of the revenue account, you simply anticipate the collections to that extent; save the state from the cost of its collection, and take no risk of impairing its ability to operate upon a cash paying basis. This, of course, may be considered a hardship upon collectors, as it would deprive them of that proportion of the legitimate fees which they would otherwise receive unless you see proper to protect them by a consideration of their claims.

If by the time the Twenty-first Legislature assembles it should be ascertained that there was still a surplus, by reason of the tax rate being too high, they could again remit the overplus to the people, and then more advisedly adjust the tax levy to suit the requirements of the case. And the only loss to be sustained by the tax payers would result from the loss of the interest on the excess, if any, not required for the current expenses of the government. This would be too small to each citizen to be deemed objectionable.

In support of the advisability of this suggestion, I call your attention to the fact that there will be a deficiency in outstanding appropriations for the judiciary department, quarantine and other demands, estimated by the Comptroller to be \$150,000.

And the following bonds will become due as follows:

\$200,000 6 per cents mature 1890.

\$467,000 7 per cents mature 1891.

\$65,000 6 per cents mature 1891.

And no sinking fund has been created to meet them.

Four hundred and eighty three thousand five hundred dollars of these bonds belong to the public schools, university and the several asylums.

I question the wisdom of paying these latter bonds at their maturity, in view of the fact that they belong to these special funds, and as it is difficult to obtain a safe investment the money would probably remain for a time idle in the treasury, with a consequent loss of interest, which would fall upon the people in the end. But as \$261,000.00

of them are drawing 7 per cent interest paid by the State, while it only receives 6 per cent from the counties, if not in contravention of the constitution they should be taken up at maturity and a manuscript 6 per cent bond issued for the whole amount to equalize the rate of interest, and obviate any possible objection from those who pay this difference and are in a measure unfriendly to the public school system.

But \$248,700.00 of the bonds outstanding and soon to fall due belong to private parties and must be paid at maturity.

If, therefore, you do not disturb the present rate of taxation, we may safely calculate upon the excess of receipts over disbursements to supply the government with the necessary fund to meet its obligations to these private creditors, and this will leave you the present surplus in the treasury, less the amount remitted to the tax-payers, to be disposed of in the payment of existing deficiencies on revenue account heretofore mentioned; adjust the state indebtedness to the University; increase the accommodations and efficiency of the asylums to the extent deemed advisable; make the necessary additional appropriation to put the reformatory into speedy operation and maintain the inmates whom the law directs to be transferred from the penitentiaries to this institution; provide for an adequate geological survey of the state; furnish the capitol; spend a small portion at least to put our state militia upon a firmer basis; and for the erection of a modest monumental shaft at the capitol, to be as durable as the pyramids, in perpetuation of the self-sacrificing valor and heroism of our Texas Mexican war and Confederate veterans, or such other meritorious claims as may commend themselves to your favorable consideration, and finally, but by no means the least worthy of attention, may be mentioned for suitable recognition the just demands of our public school teachers. The probable excess of amount apportioned over receipts of available school fund on the first day of September, 1888, is believed to be \$250,000.

In times past it has been the custom when the State became embarrassed for lack of revenue to supply current expenses, to appropriate with lavish hand such portion of the school fund as might be necessary to subserve its immediate demands, and to meet

the existing exigency, and now that the school fund is short and this public interest is temporarily crippled, there can be alleged no good reason why the general revenue fund should not reciprocate the compliment from its superabundance.

This may be readily accomplished by transferring as a loan from the revenue account to the school fund the amount of the existing deficiency for services of teachers.

In order that you may have a proper understanding of the subject, I invite your careful attention to the elaborate report of the superintendent of public instruction, which embraces the following complete exposition and examination of the educational affairs of the state, both as relates to teachers, scholars, property, amount and sources of revenue:

"I have the honor to submit herewith the following information, in response to your request of recent date:

The amount of school fund apportioned to the public schools for the scholastic year 1886-7, \$2,362,226.25.

The pro rata for the year was \$4.75.

The excess of apportionment for 1886-7 of receipts available school fund, \$400,000.

Amount of school fund apportioned for 1887-8, current year, \$2,285,551.00

Pro rata \$4.50 for this year.

Decrease in apportionment for former year, \$76,775.25.

Probable excess of amount apportioned over receipts of available school fund on the last day of September 1888, \$250,000.

## 2. SCHOOLS MAINTAINED FOR THE YEAR 1885-6.

Counties, district—White 3,185; colored 477.

Counties, community—White 3,133; colored 1,574.

Cities—White 255; colored 96.

Total—White 6,573; colored 2,147.

Grand total,—8,726.

## SCHOOLS MAINTAINED FOR THE YEAR 1886-7.

Counties, district—White 3,533; colored 635.

Counties, community—White 3,080; colored 1,321.

Cities—White 298; colored 120.

Total—White 6,911; colored 2,076.

Grand total—8,987.

Total increase over former year 267, or about three per cent.

## 3—AVERAGE MONTHLY PAY OF TEACHERS 1885-6.

Counties—White \$47.70; colored \$42.05.

Cities—White \$69.32; colored \$44.08.

## AVERAGE MONTHLY PAY OF TEACHERS 1886-7.

Counties—White \$43.27; colored \$38.65.

Cities—White \$69.32, colored \$49.78.

Average decrease in counties \$3.96.

Average increase in the cities \$2.89.

## 4. SCHOLASTIC POPULATION FOR THE YEAR 1885-6.

Counties—White, 287,483; colored, 98,654.

Cities—White, 49,254; colored, 17,287.

Grand total, 452,678.

## SCHOLASTIC YEAR 1886-7.

Counties—White, 308,346; colored, 104,034.

Cities—White, 56,607; colored, 20,808.

Grand total, 489,795.

Increase over former year in scholastic population, 37,117.

## 5. PUPILS ENROLLED IN SCHOOL, 1885-6.

Counties, district—White, 123,270; colored, 21,764.

Counties, community—White, 106,163; colored, 86,282.

Cities—White, 40,028; colored, 15,814.

Total—White, 279,461; colored, 123,860.

Grand total, 403,321.

## PUPILS ENROLLED IN 1886-7.

Counties, district—White, 141,886; colored, 27,399.

Counties, community—White, 109,503; colored, 68,173.

Cities—White, 44,121; colored, 17,578.

Total—White, 295,510; colored, 113,150.

Grand total enrolled, 408,660.

Total increase over former year, 5,349.

6. The annual increase in scholastic population is about five per cent. The apportionment for the current scholastic year is less than that of last year by \$76,775.25.

## 7. TEACHERS EMPLOYED FOR THE YEAR 1885-6.

Counties—White, 6,823; colored, 2,704.

Cities—White, 831; colored, 222.

Total—White, 7,624; colored, 2,926.

Grand total number of teachers employed for the year 1885-6, 10,580.

**TEACHERS EMPLOYED FOR THE YEAR 1886-7.**

Counties—White, 7,308; colored, 2,665.

Cities—White, 924; colored, 226.

Total—White, 8,232; colored, 2,891.

Grand total number of teachers employed in 1886-7, 11,125.

Increase over previous years, 543.

The average school term of 1886-7 was: For district, 4,138 schools, 5 29 months; for communities, 4,401 schools, 4.87 months.

Average school term in counties, 8,539 schools, 5.07 months; for towns and cities, 418 schools, 7.92 months.

O. H. COOPER.

Many serious evils in our public school system are quite apparent, even upon a superficial inspection, and which a profound study and investigation of this able report will only make more clear, as the legitimate outgrowth of a disregard of those correct principles which should direct the administration of this immense revenue annually expended, and as the evils are growing more serious each succeeding year, is it not better to try some other remedy, even if it be but an experiment? It seems clear to my mind that the system of public education, most especially with reference to its financial administration, needs careful revision, as serious abuses of the State's charity exists in many of the counties.

Our constitution provides that no money shall be drawn from the treasury but in pursuance of specific appropriation made by law.

By reference to our appropriation for public free schools for several years past it is a matter for grave question at least whether or not this provision of the constitution has been strictly observed. These appropriations are most general and indefinite in their terms and do not attempt to specify the particular amounts to be expended by officers charged with the administration and disbursement of the funds. Possibly this may be necessitated by the peculiar conditions under which our available school fund is created, but if practicable it should be obviated by legislative designation of the specific amount intended to be devoted to purposes of public education each year, as the teachers are employes of the State government, paid by it and should stand on the same footing as to payment with other employees, and not as now made entirely independent of rules applicable to other public servants.

The most serious grievance in the administration of the public free school fund consists in the loose manner in which the funds are distributed and paid to the counties according to their scholastic population. Under the law, as it exists, the Board of Education each year makes an apportionment of the annual available school fund among the counties and cities constituting separate school organizations, and issues to each a certificate for the respective amounts so apportioned. Upon this apportionment the Comptroller draws his warrant in favor of any county treasurers, and these warrants are payable by county collectors, or at the State Treasury. The proper applications of the funds after they reach the counties is left exclusively with county officials, and no practical check is placed by law upon their discretion, nor is any department thereafter advised whether the funds have been properly applied to the purposes contemplated by law or otherwise. This loose condition of legislation has precipitated in some of the counties a very improvident administration of the funds and worked injustice not only to the State, but to the people of the counties. Large amounts are reported unexpended each year, but the law makes no provision for this contingency.

And these balances are nominally carried forward each year into the accounts of another year, and accumulate from year to year, to the actual detriment of the people of the same county, for they derive no benefit from these unexpended balances. It is estimated, from official data on file with the Superintendent of Education, that about half a million of dollars is now outstanding in this way. This money is public money and belongs to the people of the State, or of the particular county, and yet it is valueless to either, because it is not applied to the purpose of education, even in the particular county and the people of that county are required to pay their annual taxes for all purposes, including school purposes, as usual. In some instances it is reported that these unexpended balances have been improperly used in private business ventures, while the officers of the State are powerless to prevent it, or apply a corrective for so palpable a misapplication of public money. These funds should be received and disbursed as other public monies, and should be

subject to the same checks and balances which our experience in governments demands as necessary safeguards for public protection.

The school tax is levied and collected by the State through her officer, and it should be disbursed by the treasurer just as other public monies are disbursed. Otherwise the tendency is to looseness, extravagance, speculation and confusion in the administration of the funds. All warrants should be drawn by the comptroller in favor of the particular teacher or employe, as in other cases for services actually rendered, and be payable only at the treasury. It may be that the provision of article 7, section 5, of the constitution, which requires the available school fund to be distributed to the several counties according to their scholastic population may stand in the way of the very necessary corrective of what has proven a serious evil, but if it does not, a remedy should be devised and applied which will save the State from the imputation of bad faith to her teachers, and enable her officers to prevent so gross a maladministration of public money. I believe that this whole question of education should be put through a most searching inquisition, so that the friction of opinion may sharpen the instruments through which new highways can be opened in the domain of progress, and old ones be improved.

And if a special session of your honorable bodies was authorized to deal with the matter of constitutional amendments, I should feel impelled in deference to my matured convictions of the policy which may become a necessity in the end, to urge upon you the importance of considering a material alteration in support of our system of public education. The rapid increase of our scholastic population over our annual available fund makes it almost certain that we must in any event soon be called upon to revise the system in order to adapt it to these changing conditions. We have now by our last scholastic census a school population of 489,795, and our available school fund for the current year from all sources is estimated at \$2,285,551.

Our scholastic population is increasing at a more rapid ratio than our resources, the difference being at least five per cent, although the resources, from sales and leases under the present law are steadily increasing the fund.

And hence the question must soon be determined by the people what remedy is proper to be applied. The system of public education is too firmly imbedded in the hearts of the people to contemplate even its temporary impairment, and yet the state under the present system has assumed a burden which it is manifest it cannot carry much longer without oppression. Apart from this, very serious and just complaints come up from various counties that they are tax ridden for the benefit of distant counties and that many of the counties secure more from the school fund than they annually pay out in taxes for all other state purposes.

The true friend of public education need feel no special cause for alarm at these difficulties and complications, for if no other remedy be found the admirable system of government devised for us by our fathers points to an easy remedy.

The State is blessed with a large fund for public education, and the revenues derived from this source can be easily supplemented by a system of local taxation to be adopted by the tax payers of any particular district, and expended under their immediate direction and supervision. My own view is that the State can not successfully maintain a system of public education throughout its entire limits by a system of State taxation, but will finally be compelled to content itself with the preservation, collection and distribution of the annual income derived from its permanent fund, among the several counties according to scholastic population, and leave to the counties and smaller subdivisions the entire matter of school regulation and maintenance by local taxation, under a general regulation prescribed by law. Such a system best comports with that spirit of local self government which is the basis of our American system, and disentangle public education from that idea of paternalism which has been a stumbling block with many in its adoption.

Under such regulations the people of each neighborhood would control their school affairs without dictation, and each community would establish and maintain at their own expense such a system of free education as seemed best adapted to their local ideas or necessities, with no possibility of complaint by their neighbors that the school

fund was being unequally distributed or dishonestly applied. I have an abiding faith in the intelligence and patriotism of our people, which assures me that under such a system a generous rivalry would arise between communities as to which would excel in the excellence of their facilities for education, which spirit once aroused, would lead to the rapid perfection of our schools and the advancement of the intelligence and virtue of our people.

But if it shall be in your power to find a pathway out of the present difficulties, you will perform a work of universal good and benefit to the entire State. While I have frankly and honestly endeavored to illustrate my settled and matured convictions on all these great questions demanding public attention, I have no ambition to see them adopted unless they shall commend themselves to your better judgment as the best thing to be done to promote the highest interests of our people.

I invite your earnest attention to the complaint of the farmers of our State to the illiberal and restrictive corporation laws claimed to exist in subdivision 24 of Article 566, Revised Statutes, as amended by act of March 28d, 1887, under which a full development of this important industry cannot, in their judgment, be had. If there be any right in this country which the government should respect, it should be the right of labor.

The prosperity of our farming interests benefits every other business pursuit, and they should be accorded every liberty of action necessary to give strength to the hand of toil, and any measure which an enlightened statesmanship can devise to elevate their condition and enhance their prosperity should receive the most thoughtful and favorable consideration.

In view of the speedy completion of our state capitol building, I have directed the commissioners to transmit to your honorable bodies a thorough and complete exposition in detail of the contract, specifications, plans, modifications and changes in original contract, together with everything else relating to the progress and condition of this public building, and I most earnestly urge you, as the representatives of the people, to take such steps as may seem to you wise and proper to make a thorough inspection of the work in all its bearings, to the end

that the interests of our State may be fully protected and secured in the premises, and the people assured that there has been an honest and faithful compliance with the contract.

In conclusion, I beg to assure you of my hearty co-operation in every measure designed to advance the public interests.

L. S. ROSS, Governor.

#### SENATOR BURNEY

Offered the following resolution:

Resolved, that the Sergeant at Arms be and is hereby authorized to purchase postage stamps and stationery for the use of the Senate.

Adopted.

#### SENATOR GLASSCOCK

Moved that three thousand copies of the Governor's Message be ordered—immediately printed—for the use of the Senate.

#### SENATOR CLAIBORNE

Moved to substitute by making the amount printed be, 7000 English, 2000 German, 1000 Bohemian, 1000 in Spanish.

English be furnished at once.

#### SENATOR DAVIS

Moved to substitute by having five hundred messages printed in English for the use of the Senate.

#### SENATOR LANE

Moved to table the substitute offered by Senator Davis.

Lost.

The substitute was adopted by the following vote:

Yeas—21.

Allen	Garrison
Armistead	Glasscock
Baker	Gregg
Bell	Jarvis
Burney	Knittle
Camp	McDonald
Davis	Macmanus
Douglass of J	Simkins
Douglass of G	Terrell
Field	Woodward
Frank	

Nays—6.  
 Burges Lane  
 Claiborne Upshaw  
 Houston Woods  
 Absent Without Leave—1.

Stinson

The resolution as substituted was adopted.

The following message was received from the House of Representatives:

House of Representatives, {  
 Austin, April 16, 1888. }  
 Honorable T. B. Wheeler, President of the Senate:

Sir. I am directed by the House to inform the Senate that the House has elected the following named officers, to fill vacancies occurring by resignation:

J. R. Day, of Dallas, Reading Clerk.  
 T. D. Wilson, of San Jacinto, Journal Clerk.

Respectfully,

WILL LAMBERT.  
 Chief Clerk House Representatives.

A message was received from the House that that body was organized and ready for business.

SENATOR GREGG

Offered the following resolution:

Resolved, that the name of Senator W. S. Baker, successor to Senator R. H. Harrison, be substituted for the name of Senator Harrison upon the committees of the Senate.

Adopted.

On motion of Senator Woods Senator Stinson was excused indefinitely.

The following communication was laid before the Senate and read:

Treasury Department, {  
 Austin, April 16, 1888. }  
 Honorable T. B. Wheeler, President of the Senate:

Sir—I beg to say, as you already know that there is an unusually large cash balance in the state treasury, and believing as I do, that every public servant should be at all times ready to make an exhibit of the trust reposed by the people, I am very desirous that your committee, at its earliest conven-

ience, should examine the books of the State treasury, and verify the balances.

I have the honor to be yours,  
 Very respectfully,  
 F. R. LUBBOCK.

On motion of Senator Woods  
 The Senate adjourned till 9:30 o'clock to-morrow morning.

## SECOND DAY.

Senate Chamber, {  
 Austin, April 17, 1888. }  
 The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the chaplain, Dr. R. K. Smoot.

On motion of

SENATOR ARMISTEAD,

The reading of the journal of yesterday was dispensed with.

## BILLS AND RESOLUTIONS.

BY SENATOR WOODS:

A bill to be entitled

An act to require county treasurers of the several counties of the State of Texas to report surplus of school fund to Board of Education, and to provide how school fund shall be distributed, and to provide penalties for failure to make such report.

Referred to Committee on Education.

This bill requires County Treasurers to report on the 1st of September of each year to the Board of Education, under oath, the amount of public free school fund in their possession.

The Board of Education in making pro rata of school fund, shall consider the surplus of school funds by County Treasurers, and before prorating shall deduct surplus, as reported, from amount due counties having surplus on hand. The penalty for failing to report, not less than twenty-five dollars, nor more than five hundred dollars. Each thirty days constitutes a separate offense.

On motion of Senator Terrell,

The Senate took a recess for thirty minutes.